

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

(1) DAVID AL'HAMZAWI d/b/a
OKLAHOMA BUILDING SUPPLY

Plaintiff,

vs.

(1) STATE FARM FIRE AND CASUALTY
COMPANY

Defendant.

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CASE NO. 13-CV-29-JED-TLW

DEFENDANT STATE FARM FIRE AND CASUALTY COMPANY'S
NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT:

PLEASE TAKE NOTICE that Defendant, State Farm Fire and Casualty Company ("State Farm"), hereby files its Notice of Removal ("Notice"). In support hereof, State Farm would respectfully show the Court as follows:

1. On or about October 15, 2012, David Al'Hamzawi d/b/a Oklahoma Building Supply, Plaintiff (herein so called), filed its Original Petition ("Petition") in the matter entitled *David Al'Hamzawi d/b/a Oklahoma Building Supply vs. State Farm Insurance Company*, in the District Court of Tulsa County, State of Oklahoma. A copy of the Petition is attached as Exhibit "1" hereto, incorporated herein, and made a part hereof for all purposes.

2. On or about December 18, 2012, Plaintiff filed its Amended Petition, a copy of which is attached as Exhibit "2" hereto, incorporated herein, and made a part hereof for all purposes.

NATURE OF THE SUIT

3. This suit involves a dispute over State Farm's alleged failure to pay Plaintiff pursuant to a claim for benefits relative to a policy of insurance. The Plaintiff alleges that State Farm breached the insurance contract and committed bad faith.

BASIS OF REMOVAL

4. According to Plaintiff's First Amended Petition, Plaintiff is a resident of Tulsa County, Oklahoma. State Farm is a corporation organized in Illinois, with its principal place of business in Bloomington, McLean County, Illinois.

5. This Court has original jurisdiction over the matters made the basis of this lawsuit pursuant to 28 U.S.C. § 1332 in that Plaintiff is an Oklahoma citizen and is completely diverse from State Farm.

6. Additionally, the amount in controversy exceeds the sum of \$75,000.00 exclusive of interest and costs. On page 3 of Plaintiff's Amended Petition, Plaintiff expressly states that it has damages in the amount of \$192,500.00 (Exhibit "2").

7. Additionally, State Farm files contemporaneously herewith all pleadings or other documents on file in the State Court matter, including a copy of the state court's Docket Sheet, attached hereto as Exhibit "3," with the exception of Plaintiff's Petition attached hereto as Exhibit "1" and Plaintiff's Amended Petition attached hereto as Exhibit "2."

WHEREFORE, PREMISES CONSIDERED, State Farm Fire and Casualty Company, Defendant, pursuant to and in conformity with the requirements set forth in 28 U.S.C. § 1446 removes Case No. CJ-2012-5432, *David Al'Hamzawi d/b/a Oklahoma Building Supply vs. State Farm Insurance Company*, in the District Court of Tulsa County, State of Oklahoma, on this, the

15th day of January, 2013.

Respectfully submitted,

By /s/Daniel C. Andrews

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**ATTORNEYS IN CHARGE FOR,
DEFENDANT STATE FARM FIRE AND
CASUALTY COMPANY**

OF COUNSEL:

JONES, ANDREWS & ORTIZ, P.C.

CERTIFICATE OF SERVICE

I hereby certify that on January 15th, 2013, I served the same document by U.S. Postal Service on the following, who are not registered participants of the ECF system:

Mr. Ron D. Brown
320 S. Boston, Suite 1130
Tulsa, OK 74103

/s/Daniel C. Andrews
Daniel C. Andrews